

CITY COMMISSION
(Consider Placement of Private Sanitary Sewer Line)
(Annexing Property into City Limits)
(130 Feet South of Intersection of Bayfront Drive from W. 30th Avenue)
(Tracy L. & Michelle L. Edwards)
(License Agreement)

Jerry Menefee, City Engineer, was recognized and addressed the Governing Body. He stated this License Agreement with Tracy and Michelle Edwards is for the purpose of the installation, maintenance, and operation

of a private sanitary sewer line within the public right-of-way of 30th Avenue and Bayfront Drive. The installation of the sanitary sewer line is the result of the construction of a new residence and proposed property annexation into the City limits of Emporia. He stated Tracy and Michelle are also wanting to be annexed into City limits at this time. He stated staff is recommending acceptance of the license agreement and the annexation into City limits for the property.

Commissioner Geitz made a motion authorizing the Vice Mayor to sign the License Agreement with Tracy and Michelle Edwards for the purpose of the installation, maintenance and operation of a private sanitary sewer line within 30th Avenue and Bayfront Drive public right-of-way and to annex the property into City limits. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Giefer, aye; Commissioner Harmon, aye; and Vice Mayor Mlynar, aye.

**WATER TREATMENT PLANT
(Ozone Equipment Installation Contact)
(Bids)**

Frank Abart, Public Work Director, was recognized and addressed the Governing Body. He stated this equipment is in conjunction with the contract with Xylem/Wedeco Solutions to provide detailed manufacturing specifications and production of specialized Ozone replacement equipment at the Water Treatment Plant. All manufacturing, design and KDHE permitting requirements have been met. The project is at the construction/installation stage.

BID TABULATION

Contractor	Bid Price
Wildcat	\$1,923,737.20
UCI	\$1,334,757.00
Engineer's Estimate	\$1,350,810.00

He stated two bids were received for the project and staff is recommending awarding the bid to Utility Contractors, Inc, in the amount of \$1,334,775.00 as the most responsive and responsible bid submitted.

Commissioner Harmon made a motion awarding the ozone equipment

installation contract to Utility Contractors, Inc. (UCI) in the amount of \$1,334,757.00. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; and Vice Mayor Mlynar, aye.

PLANNING AND DEVELOPMENT

**(MAPC Excerpts of Regular Meeting Held 6-28-16)
(Application No. 2016-11 - Request of Mid-Kansas Properties, LLC.)
(Approve Final Subdivisions Plat for Hidden Vistas)**

Excerpt of the June 28, 2016 Planning Commission Meeting:

The Planning Commission met in regular session on Tuesday, June 28, 2016, with Chair Thomas presiding. Members Bucklinger, Fowler, Miller, Pontius, Sauder, Springeman, Wade, and Rech were present. Member Pontius was absent.

APPLICATION 2016-11. A request of Mid-Kansas Properties, LLC, Stephen L. Sauder, to request a Final Subdivisions Plat Application, as authorized by Article 6-201 of the Subdivision Regulations at the property approximately located on 30th Ave between Hidden Lakes and Crestview Six subdivisions.

Staff confirmed jurisdiction over this application.

No ex parte communication was declared.

Member Sauder recused himself due to a conflict of interest.

Staff Report:

The applicant is requesting to subdivide the property into three platted lots. The Utility Advisory Board met May 11, 2016, and approved the plat with the shown easements and setbacks. There have been no changes made to Phase 1, since approval of the preliminary plat by the Planning Commission, on May 24, 2016. Staff recommends approval of the Final plat to subdivide the property and conform to the Subdivision Regulations. This proposed project is consistent with the surrounding properties and the comprehensive plan.

Member Bucklinger asked if the City Commission had approved the preliminary plat. Staff responded that the City Commission does not need to approve the preliminary, only the final plat.

A public hearing was not required for this application, however, the applicant provided representation if there were any questions from the board.

Member Miller moved to approve Application 2016-11, a request of a Final Subdivision Plat for property approximately located on 30th Avenue between Hidden Lakes and Crestview Six subdivisions, based upon Staff's recommendations, which he incorporates by reference. Member Fowler seconded. Motion approved 7-0.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this was a request of Mid-Kansas Properties, LLC, Stephen L. Sauder, to request Final Subdivision Plat Application, as authorized by Article 6-201 of the Subdivision Regulations at the property approximately located on 30th Avenue between Hidden Lakes and Crestview 6th Subdivision. He stated the applicant is requesting a final plat to allow for single family homes that will be consistent with the area and the comprehensive plan. He stated at their June 28, 2016 regular meeting, the Planning Commission voted unanimously to allow single family homes that will be consistent with the area and the comprehensive plan. The Utility Advisory Board met on May 11, 2016 and approved the plat with the shown easement and setbacks.

Commissioner Giefer made a motion approve the request of Mid-Kansas Properties, LLC for a Final Subdivision Plat Application for property approximately located on 30th Avenue between Hidden Lakes and Crestview 6th Subdivision. Commissioner Geitz seconded the motion.

PLANNING AND DEVELOPMENT
(Application No. 2016-11 - Request of Mid-Kansas Properties, LLC.)
(Approve Final Subdivisions Plat for Hidden Vistas)
(Ordinance Number 16-22)

AN ORDINANCE APPROVING THE FINAL PLAT OF HIDDEN VISTA SUBDIVISION, to which the City Clerk assigned Ordinance Number 16-22, was presented to the Governing Body for their consideration.

Commissioner Geitz amended the previous motion to approve Ordinance Number 16-22, an ordinance accepting the Final Subdivision Plat Application, as authorized by Article 16-201 of the Subdivision Regulations on the property approximately located on 30th Avenue between Hidden Lakes and Crestview 6th Subdivision. Commissioner Harmon seconded

the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; and Vice Mayor Mlynar, aye.

CITY COMMISSION
(Permitting the Sale and Consumption of Alcohol)
(800 Block and Southern 900 Block of Commercial St.)
(Professional Disc Golf Assoc. World Block Party)
(Ordinance Number 16-23)

AN ORDINANCE EXEMPTING COMMERCIAL STREET INCLUDING THE 800 AND SOUTHERN 900 BLOCKS IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE PROFESSIONAL DISC GOLF ASSOCIATION WORLD BLOCK PARTY EVENT AUGUST 12, 2016, to which the City Clerk assigned Ordinance Number 16-23, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the Granada Theater is requesting a temporary exemption from the prohibition of the sale and consumption of alcoholic beverages for the PDGA Block Party event to be held on August 12, 2016. The request would include the 800 and southern 900 blocks of Commercial Street, from 3:00 p.m. to 12:00 midnight. She stated the proposed ordinance includes requirements that all alcoholic beverages remain within clearly identified boundaries to be approved by the Chief of Police, that no one under the age of 21 may possess or consume alcohol, and that the Granada must meet all city and state requirements for temporary alcohol sale licensing.

Commissioner Harmon made a motion to approve Ordinance Number 16-23, an ordinance exempting the sale and consumption of alcoholic beverages for the Professional Disc Golf Association World Block Party event for August 12, 2016. Commissioner Geitz seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Vice Mayor Mlynar, aye.

CITY COMMISSION
(Legislative Updates on Misdemeanor Offenses)
(Ordinances 16-25, 16-26, 16-27, 16-28 and 16-29)

City Attorney Montgomery was recognized and addressed the Governing Body. She stated there has been several legislative updates regarding the definitions and penalties for theft charges and marijuana charges that go

into effect on July 1, 2016. These proposed ordinances will update the city code into conformity with state law.

ORDINANCE NUMBER 16-25

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO THEFT; AMENDING SECTION 16-111 THEFT, GENERALLY, to which the City Clerk assigned Ordinance Number 16-25, was presented to the Governing Body for their consideration.

Commissioner Geitz made a motion to approve Ordinance Number 16-25, an ordinance pertaining to theft. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Giefer, aye; Commissioner Harmon, aye; and Vice Mayor Mlynar, aye.

ORDINANCE NUMBER 16-26

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO EVIDENCE OR INTENT TO DEPRIVE; AMENDING SECTION 16-112 PRIMA FACIE EVIDENCE OF INTENT TO PERMANENTLY DEPRIVE OWNER OR LESSOR OF POSSESSION, USE OR BENEFIT OF PROPERTY, to which the City Clerk assigned Ordinance Number 16-26, was presented to the Governing Body for their consideration.

Commissioner Geitz made a motion to approve Ordinance Number 16-26, an ordinance pertaining to evidence or intent to deprive. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; and Vice Mayor Mlynar, aye.

ORDINANCE NUMBER 16-27

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO THEFT OF SERVICES; AMENDING SECTION 16-114 THEFT OF SERVICES, to which the City Clerk assigned Ordinance Number 16-27, was presented to the Governing Body for their consideration.

Commissioner Giefer made a motion to approve Ordinance Number 16-27, an ordinance pertaining to theft of service. Commissioner Harmon seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Harmon, aye; Commissioner Geitz, aye; and Vice Mayor Mlynar, aye.

ORDINANCE NUMBER 16-28

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO UNLAWFUL DEPRIVATION OF PROPERTY; AMENDING SECTION 16-115 UNLAWFUL DEPRIVATION OF PROPERTY, to which the City Clerk assigned Ordinance Number 16-28, was presented to the Governing Body for their consideration.

Commissioner Geitz made a motion to approve Ordinance Number 16-28, an ordinance pertaining to unlawful deprivation of property. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Giefer, aye; Commissioner Harmon, aye; and Vice Mayor Mlynar, aye.

ORDINANCE NUMBER 16-29

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO MARIJUANA AND DRUG PARAPHERNALIA; AMENDING SECTION 16-384 POSSESSION OF MARIJUANA, POSSESSION OF DRUG PARAPHERNALIA, to which the City Clerk assigned Ordinance Number 16-29, was presented to the Governing Body for their consideration.

Commissioner Giefer made a motion to approve Ordinance Number 16-29, an ordinance pertaining to marijuana and drug paraphernalia. Commissioner Geitz seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Vice Mayor Mlynar, aye.

**CITY COMMISSION
(City Manager's Report)**

This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public information that may be of a general interest. The following information was presented at the meeting:

At this time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDA FOR JULY 20TH STUDY SESSION @ 4:00 P.M.

1. Discuss CAFR
2. Review Personnel Funds
3. Land Bank Creation

City Manager McAnarney stated the Study Session has been rescheduled to July 20, 2016 at 4:00 p.m. so all Commissioners are present to discuss Personnel Funds of the Budget. This study session will precede the regular meeting on July 20, 2016 at 7:00 p.m.

Commissioner Giefer than made a motion to adjourn. Commissioner Geitz seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Vice Mayor Mlynar, aye.

Bobbi Mlynar, Vice Mayor

ATTEST:

Kerry Sull, City Clerk